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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,467	11/26/2003	Andrew Rodney Ferlitsch	SLA1403	7652
50735	7590	01/24/2008		
MADSON & AUSTIN 15 WEST SOUTH TEMPLE SUITE 900 SALT LAKE CITY, UT 84101			EXAMINER EBRAHIMI DEHKORD, SAEID	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/723,467

Applicant(s)

FERLITSCH, ANDREW RODNEY

Examiner

Saeid Ebrahimi-dehKordy

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 3/12/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicant's arguments and amendment to claims filed 11/8/07 have been fully considered but they are not persuasive. Applicant basically argues over the claims as amended.

Applicant amended the claims by incorporating the limitation of "wherein said first and second files are combined in accordance with a combining order which specifies the order in which said first and second files are printed by said physical printing device" and emphasizing that this feature has not been disclosed by Brossman et al. Examiner disagrees and points out Fig.3, page 5, paragraph 0042, and specifically lines 11-21, wherein the user attributes to implement the job would include adding Impositioning of the combining the jobs, which would interpreted as determining the specific order of printing the jobs. Please note "dictionary.com" as it defines the Impositioning as "printing the arrangement of printed matter to form a sequence of pages" which is the part of the attributes selected at the graphical user interface by the user.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Brossman et al

(Pub. No.: US 20030123084)

**Regarding claim 1 and 5-6** Brossman et al disclose: A method for building a composite print job, comprising the steps of: receiving first and second files in respective printer independent file formats (note Fig.3, item 325, an MODCA 315, and MODCA 320, where original and shown of Fig.3, the postscript job 305 would be consider as the first job and the user specified job 310 would be consider as the second job, note page 5, paragraph 0042, lines 4-13, the two jobs are received by the virtual printer 215 of Fig.2, in the printer independent or non natively, page 4, paragraph 0037) printing said first and second files to a logical printing device in a printer dependent file format appropriate for a physical printing device (note virtual printer 215 of Fig.2 where the format of the files were changed using the formatter, 225, of virtual printer 215 of Fig.2, note page 4, paragraph 0038, specifically lines 4-7) and combining said first and second files as a composite print job (note page 4, paragraph 0038, where the files were combined) to prepare said first and second files for printing to said physical printing device (note Fig.3, page 5, paragraphs, 0042-0046, where two jobs are transmitted to the presentation device “printer” to be implemented, note paragraph 0045) wherein said first and second files are combined in accordance with a combining order which specifies the order in which said first and second files are printed by said physical printing device (note Fig.3, page 5, paragraph 0042, and specifically lines 11-21, wherein the user attributes to implement the job would include adding Impositioning of the combining the jobs, which would interpreted as determining the specific order of printing the jobs, which is the part of the attributes selected at the graphical user interface by the user).

**Regarding claim 2** Brossman et al disclose: The method of claim 1, wherein said logical printing device has the same attributes as said physical printing device (note page 3. paragraph

0028, where the synchronization is down between the server and virtual printer and presentation device, note that jobs are being send from the virtual printer to the presentation device because of matching attributes or the transmission would be fatal or results in errors).

**Regarding claim 3** Brossman et al disclose: The method of claim 2, further comprising printing said composite print job to said physical printing device (note page 5, paragraphs 0042-0046, where the jobs are transmitted through the virtual printer to the printer or in this case presentation device).

**Regarding claim 4** Brossman et al disclose: The method of claim 1, further comprising printing said composite print job to said physical printing device (note Fig.3, page 5, paragraph 0045 where the jobs are sent to the presentation or physical printer 380)

**Regarding claim 7** Brossman et al disclose: The medium of claim 6, wherein said logical printing device has the same attributes as said physical printing device (note page 3. paragraph 0028, where the synchronization is down between the server and virtual printer and presentation device, note that jobs are being send from the virtual printer to the presentation device because of matching attributes or the transmission would be fatal or results in errors).

**Regarding claim 8** Brossman et al disclose: The medium of claim 7, wherein the method further comprises printing said composite print job to said physical printing device (note page 5, paragraphs 0042-0046, where the jobs are transmitted through the virtual printer to the printer or in this case presentation device).

**Regarding claim 9** Brossman et al disclose: The medium of claim 6, wherein the method further comprises printing said composite print job to said physical printing device (note Fig.3, page 5, paragraph 0045 where the jobs are sent to the presentation or physical printer 380).

### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 703-306-3487. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

Application/Control Number:  
10/723,467  
Art Unit: 2625

Page 6

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saeid Ebrahimi  
Patent Examiner  
Group Art Unit 2625  
January 9, 2008

